

# **EXHIBIT A**

1 DAVID L. ANDERSON (CABN 149604)  
United States Attorney

2 HALLIE HOFFMAN (CABN 210020)  
3 Chief, Criminal Division

4 ROBERT S. LEACH (CABN 196191)  
ADAM A. REEVES (NYBN 2363877)  
5 WILLIAM FRENTZEN (LBN 24421)  
Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055  
7 San Francisco, California 94102-3495  
Telephone: (415) 436-7453  
8 Fax: (415) 436-7234  
robert.leach@usdoj.gov

9 Attorneys for United States of America

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

) Case No. CR 16-00462 CRB

14 Plaintiff,

) DECLARATION OF ALEXANDRA

15 v.

) BRYANT IN SUPPORT OF THE

16 SUSHOVAN TAREQUE HUSSAIN,

) UNITED STATES' POST-HEARING

17 Defendant.

) BRIEF REGARDING GAIN/LOSS

19 I, Alexandra Bryant, state as follows:

20 1. I am a Special Agent with the FBI and have been so employed since 2017. I have  
been assigned to the San Francisco Division of the FBI since August 2017. As part of my  
21 assigned duties, I investigate possible violations of federal criminal law. Specifically, I am  
22 responsible for investigating complex financial crimes. I successfully completed the twenty  
23 weeks of New Agent Training at the FBI Academy in Quantico, Virginia in July 2017. During  
24 that time, I received training in physical surveillance, legal statutes and procedures, financial  
25 investigations, money laundering techniques, investigative procedures, asset identification,  
26 forfeiture and seizure, confidential source management, and electronic surveillance techniques,  
27

1 including Title III monitoring. During my career with the FBI, I have received training in the  
 2 investigation of various types of fraud and the use of sophisticated investigative techniques. In  
 3 addition, I have participated in criminal investigations involving fraud and money laundering. I  
 4 am the case agent in the cases of *United States v. Sushovan Hussain*, and *United States v.*  
 5 *Michael Lynch and Stephen Chamberlain*.

6       2.      The information contained in this Declaration is based primarily on my own  
 7 investigation and information discussed at the April 8, 2019 evidentiary hearing for Sushovan  
 8 Hussain.

9       3.      Based on the trial record and documents produced to the government, on October  
 10 3, 2011, Sushovan Hussain gained approximately \$9.2 million USD from his sale of Autonomy  
 11 options and shares at £25.50 per share. This gain takes into account the cost of exercising the  
 12 options. If Hussain's gain was based only on the premium paid by HP (£25.50 - £15.58 =  
 13 £9.92), then Hussain gained approximately \$6.1 million USD on October 3, 2011.

14       4.      Based on the trial record and documents produced to the government, on October  
 15 3, 2011, Michael Lynch gained approximately \$525.7 million USD from his sale of Autonomy  
 16 options and shares at £25.50 per share. This gain takes into account the cost of exercising the  
 17 options and the cost basis for the shares sold. If Lynch's gain was based only on the premium  
 18 paid by HP, then Lynch gained approximately \$315.8 million USD on October 3, 2011. Table A  
 19 below summarizes the government's gain calculation for Hussain, Lynch, and their combined  
 20 gain on October 3, 2011. It also includes the gain calculation suggested by the court where the  
 21 gain is based on the premium paid.

22       5.      HP paid £25.50 per Autonomy share, which was a 64% premium over the August  
 23 17, 2011 price of £15.58. Put another way the premium HP paid per share was £9.92.

24       6.      Based on the Cash Offer made by HP (trial exhibit 2307) there were  
 25 approximately 252.9 million Autonomy shares and options outstanding at the time of acquisition.

26       7.      If the court is considering Hussain's gain to be the premium he received over the  
 27 August 17, 2011 price, then the loss to HP can similarly be calculated as the £9.92 premium paid  
 28 by HP for each of the 252.9 million Autonomy shares. The approximate premium paid by HP

1 resulting loss) would then be \$3.9 billion USD. Table B shows the calculation for this  
 2 approximate premium paid by HP.

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4 TABLE A

	Sushovan Hussain		Michael Lynch		Combined Gain		
	Gain on Sale of Exercised Options and Shares Sold	Gain on Sale of Exercised Options and Shares Sold (USD)	Gain on Sale of Exercised Options and Shares Sold	Gain on Sale of Exercised Options and Shares Sold (GBP)	GBP	USD	Exchange Rate Used
10/3/2011 - Acquisition at £25.50 share price	£6,008,072	\$ 9,271,657	£340,661,704	\$ 525,709,141	£346,669,776	\$ 534,980,799	1.5432
10/3/2011 - Acquisition based on the £9.92 premium	£3,960,798	\$ 6,112,304	£200,716,776	\$ 309,746,129	£204,677,574	\$ 315,858,433	1.5432

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7 TABLE B  
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	Approx. cost to HP at £25.50 share price (GBP)	Approx. cost to HP at £25.50 share price (USD)	Approx. cost to HP at £15.58 share price (GBP)	Approx. cost to HP at £15.58 share price (USD)	Premium Paid by HP (GBP)	Premium Paid by HP (USD)	Exchange Rate Used	
Total Shares and Options Purchased by HP (from Cash Offer - Trial Exhibit 2307) *	252,933,760	£6,449,810,880	\$ 9,953,348,150	£3,940,707,981	\$ 6,081,300,556	£2,509,102,899	\$3,872,047,594	1.5432

16 \*243,469,433 shares and 9,464,327 Options

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18 I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day  
19 of April 2019, in San Francisco, California.

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ALEXANDRA BRYANT  
Special Agent  
Federal Bureau of Investigation